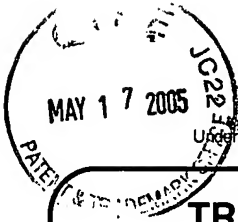


05-18-05

AF 17453



PTO/SB/21 (04-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/072,435
	Filing Date	February 8, 2002
	First Named Inventor	Shermer et al
	Art Unit	1745
	Examiner Name	Jane J. Rhee
Total Number of Pages in This Submission	Attorney Docket Number	0275S-000563

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return receipt postcard
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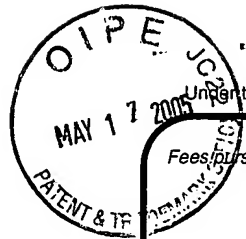
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FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

Complete if Known

Application Number	10/072,435
Filing Date	February 8, 2002
First Named Inventor	Shermer et al
Examiner Name	Jane J. Rhee
Art Unit	1745
Attorney Docket No.	0275S-000563

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____
☒ Deposit Account Deposit Account Number: 02-2548 Deposit Account Name: Black & Decker (U.S.) Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments
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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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Total Claims

Extra Claims

Fee(\$)

Fee Paid (\$)

_____ -20 or HP= 0 x _____ = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims

Extra Claims

Fee(\$)

Fee Paid (\$)

_____ - 3 or HP= 0 x _____ = 0

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 = 0 (round up to a whole number) x	_____	_____

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Non-English Specification, \$130 fee (no small entity discount)

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Fees Paid (\$)

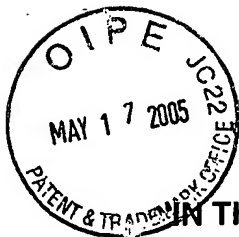
500

SUBMITTED BY

Signature	<i>Ryan W. Massey</i>	Registration No. (Attorney/Agent)	38,543	Telephone	248-641-1600
Name (Print/Type)	Ryan W. Massey	Date	May 17, 2005		

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No. _____

Application No.: 10/072,435
Filing Date: February 8, 2002
Applicants: Shermer et al.
Group Art Unit: 1745 (changed from 1772)
Examiner: Jane J. Rhee
Title: UNIVERSAL ABRASIVE SHEET
Attorney Docket: 0275S-000563

Mail Stop Appeal Brief- Patents
Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPELLANTS' BRIEF

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CLAIMS APPENDIX

BRIEF ON BEHALF OF APPELLANTS

This is an appeal from the action of the Examiner dated November 2, 2004, finally rejecting Claims 1-11 and 13-23. Copies of the appealed claims are attached as an appendix.

I. REAL PARTY IN INTEREST

The real party in interest in the present application is Black & Decker Inc. (Assignee).

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 1-11 and 13-23 are currently pending in the application. All of the pending claims stand finally rejected.

IV. STATUS OF AMENDMENTS

All of the amendments have been entered in this application.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each independent claim and each dependent claim argued separately is provided below. The explanation refers to the

specification as filed by page, paragraph, and paragraph line number and to the drawings by reference numbers. The citations to the application are for exemplary purposes only as the invention includes numerous embodiments.

Claim 1

Independent Claim 1 recites a universal abrasive sheet [Figs. 1 – 6 at ref. no. 10] for use with alternative sanding or polishing machines having platens with different configurations [page 1 at ¶ [0001], lines 3-4; page 5 at ¶ [0019], lines 3-4].

The universal abrasive sheet comprises a sheet material having an abrasive material [Figs. 5-6 at ref. no. 52; page 8 at ¶ [0024], lines 1-3] disposed on a face and having a body portion [Figs. 2-4 at ref. nos. 20, 32, and 42] and a tip portion [Figs. 2-4 at ref. nos. 22, 34, and 44; page 6 at ¶ [0021], lines 3-5; page 7 at ¶ [0022], lines 4-6; page 7 at ¶ [0023], lines 4-6].

The tip portion is separable from the body portion and defines a separate region of the sheet material relative to the body portion [page 6, at ¶ [0021], lines 3-5 and 7-9; page 7 at ¶ [0022], lines 6-9; page 7 at ¶ [0023], lines 6-9].

The body portion is provided with a first configuration adapted to be used with a first platen configuration and having first segments defining regions of weakened material [Fig. 1 at ref. nos. 30 and 40; pages 6-7 at ¶ [0022] lines 2-4; page 7 at ¶ [0023] lines 1-4; pages 5-6 at ¶ [0019], lines 4-11].

The sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimensions than the first configuration [Fig.

1 at ref. nos. 30 and 40; pages 6-7 at ¶ [0022] lines 2-4; page 7 at ¶ [0023] lines 1-4; pages 5-6 at ¶ [0019], lines 4-11].

Claim 3

Claim 3 is dependent upon Claim 1. Claim 3 recites, wherein the body portion and the tip portion have varying configurations defined by second and third segments defining regions of weakened material [Figs. 3-4, ref. nos. 24, 36, 46; page 6 at ¶ [0021], lines 3-5; page 7 at [0022], lines 4-6; page 7 at [0023], lines 4-6].

The sheet material is adapted to be separated along the second segments to separate a first tip portion having a first tip configuration [Figs. 2-4, ref. nos. 22, 34, 44] from a first body portion having a first body configuration [Figs. 2-4, ref. nos. 20, 32, 42] [page 6 at ¶ [0021], lines 3-5; page 7, ¶ [0022], lines 4-6; page 7 at ¶ [0023], lines 4-6].

The sheet material is adapted to be selectively separated along the third segments to separate a second tip portion having a second tip configuration [Figs. 2-4, ref. nos. 22, 34, 44] different from the first tip configuration from a second body portion having a second body configuration different from the first body configuration [Figs. 2-4, ref. nos. 22, 34, 44] [page 6 at ¶ [0021], lines 3-5; page 7, ¶ [0022], lines 4-6; page 7 at ¶ [0023], lines 4-6].

Claim 4

Claim 4 is dependent upon Claim 3. Claim 4 recites, wherein the first and second tip configurations have different sizes [Figs. 2-4, ref. nos. 22, 34, 44].

Claim 5

Claim 5 is dependent upon Claim 3. Claim 5 recites, the first and second tip configurations have different shapes [Figs. 2-4, ref. nos. 22, 34, 44].

Claim 6

Claim 6 is dependent upon Claim 1. Claim 6 recites, the body portion and the tip portion are separated by a second segment defining regions of weakened material [Figs. 3-4, ref. nos. 24, 36, 46; page 6 at ¶ [0021], lines 3-5; page 7 at [0022], lines 4-6; page 7 at [0023], lines 4-6].

The sheet material further includes at least one replacement tip portion extending from one of the body portion and the tip portion [Figs. 14A, 14B; page 6 at ¶ [0020], lines 1-3].

The replacement tip is defined by a third segment defining regions of weakened material [Fig. 1, ref. nos. 16A, 16B, 26] and adapted to be separated along the third segment for removing the replacement tip portion from one of the body portion and the tip portion [page 6 at ¶ [0021], lines 11-14; page 7 at ¶ [0023], lines 10-12].

Claim 15

Claim 15 is dependent upon Claim 1. Claim 15 recites, wherein said regions of weakened material include a score line drawn on said sheet material [page 8 at ¶ [0025]].

Claim 16

Claim 16 is dependent upon Claim 1. Claim 16 recites, wherein said regions of weakened material include perforations [page 8 at ¶ [0025]].

Claim 17

Independent Claim 17 recites a universal abrasive sheet [Figs. 1 – 6 at ref. no. 10] for use with alternative sanding or polishing machines having platens with different configurations [page 1 at ¶ [0001], lines 3-4; page 5 at ¶ [0019], lines 3-4].

The universal abrasive sheet comprises a sheet material having an abrasive material [Figs. 5-6 at ref. no. 52; page 8 at ¶ [0024], lines 1-3] disposed on a face and having a body portion [Figs. 2-4 at ref. nos. 20, 32, and 42] and a tip portion [Figs. 2-4 at ref. nos. 22, 34, and 44; page 6 at ¶ [0021], lines 3-5; page 7 at ¶ [0022], lines 4-6; page 7 at ¶ [0023], lines 4-6].

The tip portion is separable from the body portion and defines a separate region of the sheet material relative to the body portion [page 6, at ¶ [0021], lines 3-5 and 7-9; page 7 at ¶ [0022], lines 6-9; page 7 at ¶ [0023], lines 6-9].

The body portion is provided with a first configuration adapted to be used with a first platen configuration having first marking segments [Fig. 1 at ref. nos. 30 and 40; pages 6-7 at ¶ [0022] lines 2-4; page 7 at ¶ [0023] lines 1-4; pages 5-6 at ¶ [0019], lines 4-11; page 8 at ¶ [0025]].

The sheet material is adapted to be separated along the first marking segments to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimensions than the first

configuration [Fig. 1 at ref. nos. 30 and 40; pages 6-7 at ¶ [0022] lines 2-4; page 7 at ¶ [0023] lines 1-4; pages 5-6 at ¶ [0019], lines 4-11].

Claim 19

Claim 19 is dependent upon Claim 17. Claim 19 recites, wherein the body portion and the tip portion have varying configurations defined by second and third marking segments [Figs. 3-4, ref. nos. 24, 36, 46; page 6 at ¶ [0021], lines 3-5; page 7 at [0022] lines 4-6; page 7 at [0023], lines 4-6]; page 8 at ¶ [0025]].

The sheet material is adapted to be separated along the second marking segments to separate a first tip portion having a first tip configuration [Figs. 2-4, ref. nos. 22, 34, 44] from a first body portion having a first body configuration [Figs. 2-4, ref. nos. 20, 32, 42] [page 6 at ¶ [0021], lines 3-5; page 7, ¶ [0022] lines 4-6; page 7 at ¶ [0023], lines 4-6].

The sheet material is adapted to be selectively separated along the third marking segments to separate a second tip portion having a second tip configuration [Figs. 2-4, ref. nos. 22, 34, 44] different from the first tip configuration from a second body portion having a second body configuration different from the first body configuration [Figs. 2-4, ref. nos. 22, 34, 44] [page 6 at ¶ [0021], lines 3-5; page 7, ¶ [0022] lines 4-6; page 7 at ¶ [0023], lines 4-6].

Claim 20

Claim 20 is dependent upon Claim 17. Claim 20 recites, wherein said marking segments are drawn on said sheet material [page 8 at ¶ [0025]].

Claim 21

Independent Claim 21 recites a universal abrasive sheet [Figs. 1 – 6 at ref. no. 10] for use with alternative sanding or polishing machines having platens with different configurations [page 1 at ¶ [0001], lines 3-4]; page 5 at ¶ [0019], lines 3-4].

The universal abrasive sheet comprises a sheet material having an abrasive material [Figs. 5-6 at ref. no. 52; page 8 at ¶ [0024], lines 1-3] disposed on a face and having a body portion [Figs. 2-4 at ref. nos. 20, 32, and 42] and a tip portion [Figs. 2-4 at ref. nos. 22, 34, and 44; page 6 at ¶ [0021], lines 3-5; page 7 at ¶ [0022], lines 4-6; page 7 at ¶ [0023], lines 4-6].

The tip portion is separable from the body portion and defines a separate region of the sheet material relative to the body portion [page 6, at ¶ [0021], lines 3-5 and 7-9; page 7 at ¶ [0022], lines 6-9; page 7 at ¶ [0023], lines 6-9].

The body portion is provided with a first configuration adapted to be used with a first platen configuration and having first segments defining regions of weakened material [Fig. 1 at ref. nos. 30 and 40; pages 6-7 at ¶ [0022], lines 2-4; page 7 at ¶ [0023], lines 1-4; pages 5-6 at ¶ [0019], lines 4-11].

The sheet material is adapted to be separated along the first segments to change a configuration of the body portion of the sheet material to correspond with a second differently configured platen [Fig. 1 at ref. nos. 30 and 40; pages 6-7 at ¶ [0022], lines 2-4; page 7 at ¶ [0023], lines 1-4; pages 5-6 at ¶ [0019], lines 4-11].

The body portion and the tip portion have varying configurations defined by second and third segments defining regions of weakened material [Figs. 3-4, ref. nos. 24, 36, 46; page 6 at ¶ [0021], lines 3-5; page 7 at [0022], lines 4-6; page 7 at [0023], lines 4-6].

The sheet material is adapted to be separated along the second segments to separate a first tip portion having a first tip configuration [Figs. 2-4, ref. nos. 22, 34, 44] from a first body portion having a first body configuration [Figs. 2-4, ref. nos. 20, 32, 42] [page 6 at ¶ [0021], lines 3-5; page 7, ¶ [0022], lines 4-6; page 7 at ¶ [0023], lines 4-6].

The sheet material is adapted to be selectively separated along the third segments to separate a second tip portion having a second tip configuration [Figs. 2-4, ref. nos. 22, 34, 44] different from the first tip configuration from a second body portion having a second body configuration different from the first body configuration [Figs. 2-4, ref. nos. 22, 34, 44] [page 6 at ¶ [0021], lines 3-5; page 7, ¶ [0022], lines 4-6; page 7 at ¶ [0023], lines 4-6].

Claim 22

Claim 22 is dependent upon Claim 21. Claim 22 recites, wherein the first and second tip configurations have different sizes [Figs. 2-4, ref. nos. 22, 34, 44].

Claim 23

Claim 23 is dependent upon Claim 21. Claim 23 recites, the first and second tip configurations have different shapes [Figs. 2-4, ref. nos. 22, 34, 44].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether the Martin et al. reference (U.S. Pat. No. 6,045,887) anticipates Claims 1, 7-11, 13-17, and 20 under 35 U.S.C. § 102(b).
2. Whether combination of the Martin et al. reference and the Pearce reference (U.S. Pat. No. 5,367,839) renders Claims 2-6, 18-19, and 21-23 obvious under 35 U.S.C. § 103(a).

VII. ARGUMENTS

1. THE MARTIN ET AL. REFERENCE FAILS TO ANTICIPATE THE INVENTIONS OF CLAIMS 1, 7-11, 13-17, AND 20 UNDER 35 U.S.C. § 102(b).

Claims 1, 7-11, 13-17, and 20 stand rejected under 35 U.S.C. § 102(b) in light of the Martin et al. reference. Applicants respectfully submit that the Martin et al. reference fails to anticipate Claims 1, 7-11, 13-17, and 20.

Independent Claims 1 and 17 recite, in part and with reference to the figures for exemplary purposes only, “a universal abrasive sheet [10] for use with...platens with different configurations.” The sheet has a tip portion 22, 34, and 44 and a body portion 20, 32, and 42. “The tip portion is separable from the body portion and **defines a separate region** of the sheet material relative to the body portion” (emphasis added).

“The body portion is provided with a first configuration adapted to be used with a first platen configuration.” The body portion includes “first segments” (Claim 1, ref. nos. 30/40) or “first marking segments” (Claim 17, ref. nos. 30/40). As recited in Claim 1, the first segments “[define] regions of weakened material.”

“The sheet material is adapted to be separated along the first [marking (Claim 17)] segments **to change a configuration of the body portion of the sheet material to correspond with a second platen configuration having different external dimensions** than the first configuration” (emphasis added).

For example, if the sheet 10 is to be used with a large platen then the segments 30 and 40 are not removed to provided the large sheet 10A of Figure 2. The large sheet 10A has a large body 20 that approximates the size of the body of a large platen. If the sheet 10 is to be used with a medium sized platen then outer segment 30 is removed to provide

the intermediate sheet 10B of Figure 3. The intermediate sheet 10B has a medium sized body 32 that approximates the size of the body of a medium platen. If the sheet 10 is to be used with a small platen then both the outer and the inner segments 30 and 40 are removed to provide the small sheet 10C of Figure 4. The small sheet 10C has a small body 42 that approximates the size of the body of a small platen.

Therefore, the present invention provides for a single abrasive sheet 10 that can be configured to have a body 20, 32, or 42 of at least three different sizes. Each one of the different sized bodies has different external dimensions that approximate the body sizes of the most common platens. The body sizes are selected to correspond to the size of the platen being used.

The Martin et al. reference appears to disclose, with reference to Figures 1 and 2, an abrasive sheet. The sheet 1 has a main body 3 and a tip portion 5 separated by a perforation 7. The tip includes a number of working points 11. The tip can be separated from the main body along the perforation, rotated, and repositioned at the body to change the positions of the working points 11. The body 3 includes a plurality of apertures 9 that permit removal of dust and debris through the sheet 1 during operation.

The Martin et al. reference fails to disclose the body 3 of the sheet 1 having segments “defin[ing] regions of weakened material” or “marking segments,” whereby separation of the body along those segments changes “a configuration of said **body portion**,” and thus the external dimensions of **the body** “to correspond with a second platen configuration having different external dimensions than said first configuration,” as set forth in Claims 1 and 17 (emphasis added). **The body** of sheet 1 of the Martin et al. reference retains the same configuration and the same external dimensions at all times.

The Martin et al. reference fails to disclose that the configuration or dimensions of the body can be modified to “correspond with” platens of different sizes, as set forth in Claims 1 and 17.

The Advisory Action asserts that, with apparent reference to Martin et al., “when the tip portion was attached to the body portion a first iron shaped configuration was made and when the tip portion was removed, the iron shaped configuration no longer existed therefore creat[ing] a second platen configuration with different dimensions.”

The Advisory Action appears to assert that Martin et al. discloses removing the tip portion 5 of the sheet to change the overall configuration of the sheet 1. Applicants agree that Martin et al. may disclose this feature. However, removal of the tip portion 5 does not “change a configuration of said body portion of said sheet material” or the dimensions of the sheet material, as called for in Claims 1 and 17 (emphasis added). The body portion 3 of the sheet 1, which is the portion of the sheet 1 other than the tip, has a fixed configuration and size, unlike Applicants’ body portion 20, 32, and 42 as defined in Claims 1 and 17. Furthermore, the Martin et al. reference fails to disclose that the body configuration of its sheet can be changed to “correspond with” different platens “having different external dimensions,” as recited in Claims 1 and 17.

As set forth above, the Martin et al. reference fails to disclose each and every feature of Claims 1 and 17. Therefore, the Martin et al. reference fails to anticipate Claims 1 and 17, and those claims dependent therefrom. Applicants respectfully request reconsideration and withdrawal of this Section 102 rejection of Claims 1 and 17, and those claims dependent therefrom.

2. THE MARTIN ET AL. REFERENCE FAILS TO ANTICIPATE CLAIM 15 UNDER 35 U.S.C. § 102(b).

Claim 15 stands rejected under 35 U.S.C. § 102(b) in light of the Martin et al. reference. Applicants respectfully submit that the Martin et al. reference does not anticipate Claim 15.

Claim 15 recites, “[t]he abrasive sheet according to Claim 1, wherein said regions of weakened material include a score line drawn on said sheet material.”

The Martin et al. reference discloses a perforated line 7. However, the Martin et al. reference fails to disclose that the line 7 can be a “score line drawn on said sheet material,” as set forth in Claim 15. As set forth in the above discussion of Claim 1, the Martin et al. reference also fails to disclose each and every feature of Claim 1 from which Claim 15 depends.

Therefore, the Martin et al. reference fails to anticipate each and every feature of Claim 15. Applicants respectfully request reconsideration and withdrawal of this Section 102 rejection of Claim 15.

3. THE MARTIN ET AL. REFERENCE FAILS TO ANTICIPATE CLAIM 20 UNDER 35 U.S.C. § 102(b).

Claim 20 stands rejected under 35 U.S.C. § 102(b) in light of the Martin et al. reference. Applicants respectfully submit that the Martin et al. reference does not anticipate Claim 20.

Claim 20 recites, “[t]he abrasive sheet according to Claim 17, wherein said marking segments are drawn on said sheet material.”

The Martin et al. reference discloses a perforated line 7. However, the Martin et al. reference fails to disclose that the line 7 can be “marking segments ... drawn on said sheet material,” as set forth in Claim 20. As set forth in the above discussion of Claim 17, the Martin et al. reference also fails to disclose each and every feature of Claim 17 from which Claim 20 depends.

Therefore, the Martin et al. reference fails to anticipate each and every feature of Claim 20. Applicants respectfully request reconsideration and withdrawal of this Section 102 rejection of Claim 20.

4. COMBINATION OF THE MARTIN ET AL. AND THE PEARCE REFERENCES FAILS TO RENDER CLAIMS 3, 19, AND 21-23 OBVIOUS UNDER 35 U.S.C. § 103(a).

Claims 3, 19, and 21-23 stand rejected under 35 U.S.C. § 103(a) in light of the combination of the Martin et al. reference and U.S. Patent No. 5,367,839 to Pearce. Applicants respectfully submit that the combination of the Martin et al. and Pearce references fails to render obvious Claims 21-23.

Independent Claim 21 recites, in part and with reference to the figures for exemplary purposes only, “a universal abrasive sheet [10] for use with...platens with different configurations.” The sheet has a tip portion 22, 34, 44 and a body portion 20, 32, 42. The tip portion is separable from the body portion and defines “a separate region of said sheet material relative to said body portion” (emphasis added).

The body portion has a “first configuration adapted to be used with a first platen configuration.” The body portion also has “first segments [30 and 40] defining regions of weakened material.” The sheet material is adapted to be separated along the first

segments **“to change a configuration of said body portion** of said sheet material to correspond with a second differently configured platen” (emphasis added).

The “body portion and tip portion have varying configurations defined by second [one of 24, 36, and 46] and third segments [a different one of 24, 36, or 46] defining regions of weakened material.” The “sheet material is adapted to be separated along said second segments to separate a first tip portion, **having a first tip configuration**, [one of 22, 34, and 44] from a first body portion having a first body configuration [20, 32, 42]” (emphasis added).

The “sheet material is adapted to be selectively separated along said third segments to separate a second tip portion [a different one of 22, 34, and 44], having **a second tip configuration different from said first tip configuration**, from a second body portion having a second body configuration different from said first body configuration [20, 32, and 42]” (emphasis added).

Thus, in accordance with the teachings of Claim 21, when the working points 22A, 34A, and 44A of tips 22, 34, and 44 respectively become worn, the tips can be separated along segments 24, 36, and 46 to separate the tips 22, 34, 44 from the body portions 20, 32, 42 respectively. The tips are then rotated 180° and reattached to their respective bodies 20, 32, 42 to provide fresh working tips 22B, 34B/34C, 44B.

The tips 22, 34, 44 each have different configurations and sizes due to the different locations of the segments 24, 36, 46. The size and configuration of each tip corresponds to the size and configuration of the corresponding body portion 20, 32, and 42 and the overall size and configuration of the sheet, such as whether the sheet is large 10A, intermediate 10B, or small 10C.

The teachings of the Martin et al. reference are set forth above at Section VII, 1.

The Martin et al. reference fails to disclose or alone suggest the body 3 of the sheet 1 having first segments defining regions of weakened material, whereby separation of the body along the first segments **“change[s] a configuration of said body portion”** to “correspond with a second differently configured platen,” as set forth in Claim 21. The body 3 of the Martin et al. reference retains the same configuration at all times.

The Final Office Action mailed November 2, 2004 acknowledges that the Martin et al. reference fails to disclose or alone suggest the remainder of Claim 21. Specifically, the Office Action acknowledges, at pages 4-5, that the Martin et al. reference fails to disclose or alone suggest, “wherein said body portion and tip portion have varying configurations defined by second and third segments defining regions of weakened material, wherein said sheet material is adapted to be separated along said second segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and said sheet material is adapted to be selectively separated along said third segments to separate a second tip portion, having a second tip configuration different from said first tip configuration, from a second body portion having a second body configuration different from the first body configuration.”

The Pearce reference appears to disclose sandpaper sheets having perforated punch-out areas A and B that correspond to the size and arrangement of dust extraction holes in the sole plate of an orbital sander provided with dust extraction facilities. See Figures 1-3 and Col. 2, lines 64-66. Different holes correspond to different model sanders. All of the sandpaper sheets disclosed are rectangular sheets for use with an orbital sander. See col. 2, lines 55-59.

The Pearce reference fails to disclose or alone suggest an abrasive sheet having a “tip portion being separable from said body portion and defining a separate region of said sheet material relative to said body portion,” as set forth in Claim 21.

The Pearce reference fails to disclose or alone suggest “second and third segments defining regions of weakened material” separating the tip portion from the body portion, as set forth in Claim 21.

The Pearce reference also fails to disclose or alone suggest an abrasive sheet having tips of different configurations and sizes, as set forth in Claim 21. Specifically, the Pearce reference fails to disclose or alone suggest an abrasive sheet “separated along said second segments to separate the first tip portion, having a first tip configuration, from a first body portion having a first body configuration,” the “sheet material is adapted to be selectively separated along said third segments to separate a second tip portion, [which has] a second tip configuration different from said first tip configuration, from a second body portion having a second body configuration different from the first body configuration,” as set forth in Claim 21 (emphasis added).

Even if combination of the Martin et al. and the Pearce et al. references is proper, the combination fails to teach or suggest each and every feature of Claim 21. Combination of the references simply provides the abrasive sheet of Martin et al. with the alternative punch-out areas A and B of Pearce at the body portion 3. Combination of the references fails to produce second and third segments of weakened material between the tip portion and the body portion, “wherein said sheet material is adapted to be separated along said second segments to separate a first tip portion, having a first tip configuration...and said sheet material is adapted to be selectively separated along said

third segments to separate a second tip portion, **having a second tip configuration different from said first tip configuration**,” as set forth in Claim 21, because neither of the references disclose or suggest this feature (emphasis added).

The Final Office Action, mailed 11-2-2004, appears to suggest that because the Pearce reference discloses punch-out areas A and B of various different locations and shapes within a body portion of a sandpaper sheet, that it would have been obvious to provide the Martin et al. reference with second and third perforations between the tip portion and body portion to permit the separation of tip portions of different configurations in accordance with Claim 21. Applicants respectfully disagree.

The punch-out areas A and B of Pierce are completely different from the second and third segments of Claim 21. Specifically, the punch-out areas A and B are not second and third segments, wherein separation along the second segment separates “**a first tip portion having a first tip configuration**” from a body portion and **separation along the third segment separates “a second tip portion having a second tip configuration different from said first tip configuration”** (emphasis added), as set forth in Claim 21. Further, neither the Pierce reference nor the ordinary skill of one in the art provides any suggestion to modify the punch-out areas A and B of Pierce or the Martin et al. reference to provide the second and third segments of Claim 21.

Because neither the references nor the prior art suggest modification of the references to arrive at the second and third segments of Claim 21, there is no suggestion to combine the references and the Section 103 rejection is improper. The Section 103 rejection is based solely on knowledge gleaned from Applicants’ disclosure. Therefore, the Section 103 rejection is further improper because it is based on

impermissible hindsight.

As set forth above, combination of the Martin et al. and the Pearce references fails to suggest each and every feature of Claim 21. Therefore, Applicants respectfully request reconsideration and withdrawal of this Section 103 rejection of Claim 21 and Claims 22 and 23 dependent therefrom.

Claim 3, which is dependent upon Claim 1, and Claim 19, which is dependent upon Claim 17, are each substantially similar to Claim 21. Therefore, Claims 3 and 19 are not obvious in light of the cited art at least for the same reasons set forth above setting forth why Claim 21 is not obvious in light of the prior art. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Section 103 rejections of Claim 3 and Claim 19.

5. COMBINATION OF THE MARTIN ET AL. AND THE PEARCE REFERENCES FAILS TO RENDER CLAIMS 4 AND 22 OBVIOUS.

Claims 4 and 22 stand rejected under 35 U.S.C. § 102(b) in light of the combination of the Martin et al. and Pearce references. Applicants respectfully submit that combination of the Martin et al. and Pearce references fails to render obvious either Claim 4 or Claim 22.

Claims 4 and 22 recite, “wherein said first and second tip configurations have different sizes.” Claim 4 is dependent upon Claims 1 and 3. Claim 22 is dependent upon Claim 21. Claim 21 is substantially similar to the combination of Claims 1 and 3. Therefore, Claims 4 and 22 recite substantially the same subject matter.

The Martin et al. reference discloses a tip configuration of a single size. The Martin et al. reference fails to disclose or alone suggest multiple tip configurations of different sizes. The Pearce reference fails to disclose or suggest a tip at all. Thus, combination of the Martin et al. and Pearce references fails to suggest different tip configurations of different sizes, as set forth in Claims 4 and 22. Further, as set forth above, combination of Martin et al. and Pearce references fails to render obvious each element of Claim 21 from which Claim 22 depends, which is substantially similar to Claim 3 from which Claim 4 depends. Therefore, combination of the Martin et al. and Pearce references fails to render obvious Claim 4 or Claim 22. Applicant respectfully requests reconsideration and withdrawal of this Section 103 rejection of Claims 4 and 22.

6. COMBINATION OF THE MARTIN ET AL. AND THE PEARCE REFERENCES FAILS TO RENDER CLAIMS 5 AND 23 OBVIOUS.

Claims 5 and 23 stand rejected under 35 U.S.C. § 103(a) in light of the combination of the Martin et al. and Pearce references. Applicants respectfully submit that combination of the Martin et al. and Pearce references fails to render obvious either Claim 5 or Claim 23.

Claims 5 and 23 recite, “wherein said first and second tip configurations have different shapes.” Claim 5 is dependent upon Claims 1 and 3. Claim 23 is dependent upon Claim 21. Claim 21 is substantially similar to the combination of Claims 1 and 3. Therefore, Claims 5 and 23 recite substantially the same subject matter.

The Martin et al. reference discloses a tip configuration of a single shape. The Martin et al. reference fails to disclose or alone suggest multiple tip configurations of

different shapes. The Pearce reference fails to disclose or suggest a tip at all. Thus, combination of the Martin et al. and Pearce references fails to suggest different tip configurations of different shapes, as set forth in Claims 5 and 23. Further, as set forth above, combination of Martin et al. and Pearce fails to render obvious each element of Claim 21 from which Claim 23 depends, which is substantially similar to Claim 3 from which Claim 5 depends. Therefore, combination of the Martin et al. and Pearce references fails to render obvious Claim 5 or Claim 23. Applicants respectfully request reconsideration and withdrawal of this Section 103 rejection of Claims 5 and 23.

7. COMBINATION OF THE MARTIN ET AL. AND THE PEARCE REFERENCES FAILS TO RENDER CLAIM 6 OBVIOUS.

Claim 6 stands rejected under 35 U.S.C. § 103(a) in light of the combination of the Martin et al. and Pearce references. Applicants respectfully submit that combination of the Martin et al. and Pearce references fails to render obvious Claim 6.

Claim 6 recites, with reference to Figure 1 for exemplary purposed only as the invention includes numerous embodiments, “[t]he abrasive sheet according to Claim 1, wherein said body portion and said tip portion are separated by a second segment [24, 36, 46] defining regions of weakened material.” The sheet further includes **“at least one replacement tip portion [14A/14B] extending from one of the body portion and the tip portion** and defined by a third segment [16A/16B] defining regions of weakened material” (emphasis added). The replacement tip portion is “adapted to be separated along said third segment for removing said replacement tip portion from said one of said body portion and said tip portion.”

The Martin et al. reference appears to disclose a single tip at 5. The Martin et al. reference fails to disclose or alone suggest a “replacement tip portion extending from one of the body portion and the tip portion,” as set forth in Claim 6.

The Pearce reference appears to disclose a rectangular abrasive sheet that does not have a tip at all. The Pearce reference fails to disclose or alone suggest a “replacement tip portion extending from one of the body portion and the tip portion,” as set forth in Claim 6.

Therefore, because Martin et al. and Pearce alone fail to disclose or suggest a “replacement tip portion extending from one of the body portion and the tip portion,” as set forth in Claim 6, their combination fails to suggest this feature. Neither the references nor the ordinary skill in the art suggests combination of these references to arrive at Claim 6, thus making this rejection further improper because it is based on impermissible hindsight. Applicants respectfully request reconsideration and withdrawal of this Section 103 rejection of Claim 6.

VII. CONCLUSION

In view of the above presented discussion, Applicants believe that the pending claims are patentably distinguishable over the art cited by the Examiner. Accordingly, Applicants respectfully request that this Board reverse the final rejection of Claims 1-11 and 13-23.

A check in the amount of \$500 for filing a brief in support of this appeal is enclosed herewith. Please charge any deficiency or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: 5-17-05

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Enclosures: Three (3) copies of Appellant's Brief

CLAIMS APPENDIX

Claims

1. (Previously Presented) A universal abrasive sheet for use with alternative sanding or polishing machines having platens with different configurations, comprising:

a sheet material having an abrasive material disposed on a face and having a body portion and a tip portion, said tip portion being separable from said body portion and defining a separate region of said sheet material relative to said body portion, the body portion being provided with a first configuration adapted to be used with a first platen configuration and having first segments defining regions of weakened material, wherein said sheet material is adapted to be separated along said first segments to change a configuration of said body portion of said sheet material to correspond with a second platen configuration having different external dimensions than said first configuration.

2. (Previously Presented) The abrasive sheet according to Claim 1, wherein said sheet material further comprises second segments defining regions of weakened material, wherein said sheet material is adapted to be separated along said second segments to change a configuration of said body portion to correspond with a third differently configured platen.

3. (Previously Presented) The abrasive sheet according to Claim 1, wherein said body portion and tip portion have varying configurations defined by second and third segments defining regions of weakened material, wherein said sheet material is adapted to be separated along said second segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and said sheet material is adapted to be selectively separated along said third segments to separate a second tip portion, having a second tip configuration different from said first tip configuration, from a second body portion having a second body configuration different from said first body configuration.

4. (Original) The abrasive sheet according to Claim 3, wherein said first and second tip configurations have different sizes.

5. (Original) The abrasive sheet according to Claim 3, wherein said first and second tip configurations have different shapes.

6. (Previously Presented) The abrasive sheet according to Claim 1, wherein said body portion and said tip portion are separated by a second segment defining regions of weakened material, said sheet material further including at least one replacement tip portion extending from one of said body portion and said tip portion and defined by a third segment defining regions of weakened material and adapted to be separated along said third segment for removing said replacement tip portion from said one of said body portion and said tip portion.

7. (Previously Presented) The abrasive sheet according to Claim 1, wherein said body portion and said tip portion are separated by a second segment defining regions of weakened material wherein said tip portion can be separated from the body portion, turned through an angle and re-positioned adjacent the body portion to change a working point of said tip portion.

8. (Original) The abrasive sheet according to Claim 7, wherein said tip portion has at least one side which, when said tip portion is in position adjacent said body portion, complements at least one corresponding side of said body portion to produce an iron-shaped sheet.

9. (Original) The abrasive sheet according to Claim 1, wherein said first configuration of said sheet material is iron-shaped.

10. (Previously Presented) The abrasive sheet according to Claim 1, further comprising attachment means for attaching a second face of said sheet material to a platen.

11. (Original) The abrasive sheet according to Claim 10, wherein said attachment means includes hooks or eyes of a hook-and-loop fastening system.

12. (Cancelled)

13. (Previously Presented) The abrasive sheet according to Claim 1, wherein said body portion and said tip portion are separated by a second segment of weakened material wherein said tip portion can be separated from the body portion, said tip portion having four sides.

14. (Previously Presented) The abrasive sheet according to Claim 1, wherein said body portion and said tip portion are separated by a second segment defining regions of weakened material wherein said tip portion can be separated from the body portion, said tip portion having three sides.

15. (Original) The abrasive sheet according to Claim 1, wherein said regions of weakened material include a score line drawn on said sheet material.

16. (Original) The abrasive sheet according to Claim 1, wherein said regions of weakened material include perforations.

17. (Previously Presented) A universal abrasive sheet for use with alternative sanding or polishing machines having platens with different configurations, comprising:

a sheet material having an abrasive material disposed on a face and having a body portion and a tip portion, said tip portion being separable from said body portion and defining a separate region of said sheet material relative to said body portion, said body portion being provided with a first configuration adapted to be used with a first platen configuration and having first marking segments, wherein said sheet material is adapted to be separated along said first marking segments to change a configuration of said body portion of said sheet material to correspond with a second platen configuration having different external dimensions than said first configuration.

18. (Previously Presented) The abrasive sheet according to Claim 17, wherein said sheet material further comprises second marking segments, wherein said sheet material is adapted to be separated along said second marking segments to change a configuration of said body portion to correspond with a third differently configured platen.

19. (Previously Presented) The abrasive sheet according to Claim 17, wherein said body portion and tip portion have varying configurations defined by second and third marking segments, wherein said sheet material is adapted to be separated along said second marking segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and said sheet material is adapted to be selectively separated along said third marking segments to separate a second tip portion, having a second tip configuration different from said first tip configuration, from a second body portion having a second body configuration different from said first body configuration.

20. (Original) The abrasive sheet according to Claim 17, wherein said marking segments are drawn on said sheet material.

21. (Previously Presented) A universal abrasive sheet for use with alternative sanding or polishing machines having platens with different configurations, comprising:

a sheet material having an abrasive material disposed on a face and having a body portion and a tip portion, said tip portion being separable from said body portion and defining a separate region of said sheet material relative to said body portion, the body portion being provided with a first configuration adapted to be used with a first platen configuration and having first segments defining regions of weakened material, wherein said sheet material is adapted to be separated along said first segments to change a configuration of said body portion of said sheet material to correspond with a second differently configured platen; and

wherein said body portion and tip portion have varying configurations defined by second and third segments defining regions of weakened material, wherein said sheet material is adapted to be separated along said second segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and said sheet material is adapted to be selectively separated along said third segments to separate a second tip portion, having a second tip configuration different from said first tip configuration, from a second body portion having a second body configuration different from said first body configuration.

22. (Previously Presented) The abrasive sheet according to Claim 21, wherein said first and second tip configurations have different sizes.

23. (Previously Presented) The abrasive sheet according to Claim 21, wherein said first and second tip configurations have different shapes.